

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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NBTY, Inc.,

Plaintiff,

-against-

AIR CHINA,

Defendant.  
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: 07 Civ. 6144 (RMB)(RLE)  
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**ORDER OF DISCONTINUANCE**

**Richard M. Berman, U.S.D.J.:**

Based on the letter dated August 7, 2007, indicating that the parties have reached a settlement agreement, it is hereby

**ORDERED**, that the above-entitled action be, and the same hereby is, discontinued; provided, however, that within thirty (30) days of the date of this Order, the Plaintiff or Defendant may apply by letter showing good cause why this action should be restored to the calendar of the undersigned. The Court hereby vacates the conference set for August 13, 2007.

**SO ORDERED.**

Dated: New York, New York  
August 7, 2007

*Richard M. Berman*

**Hon. Richard M. Berman, U.S.D.J.**

